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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,988	04/17/2006	Marcello Memmolo	19725	8467
272 7590 08/23/2007 SCULLY, SCOTT, MURPHY & PRESSER, P.C. 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER SINGH, SUNIL K	
			ART UNIT 3732	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/575,988

Applicant(s)

MEMMOLO ET AL.

Examiner

Sunil K. Singh

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This action is in response to applicant's amendment filed on 06/18/2007.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 11 and 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Vogt et al. (US 2004/0096804).

Vogt discloses a transfer part of a dental implant (3 in Figs. 3a-3c) that includes: a clamping portion (33); a radial groove (331) that is capable to directly engage with he dental implant; a force transmission element (330) having an octagonal surface [0088]; and a clamp ring (332) in its non assemble state having a gap that is assembled in the radial groove (331) (Fig. 3b); an extension (30) having an outer polyhedral (Figs. 3a-3c) and a fixing portion (32) positioned between the extension (30) and the clamping portion (33) (Figs. 3a-3c). Vogt further discloses a combination of a transfer part (as previously described) and an inner ampule (Figs. 7a-8c) where the inner ample includes: a laterally open upper fixing portion (40) with indentions (42) that enlarges radially toward a large surface recess (43) (also shown in Fig. 8a); a lower fixation portion having a laterally open indention towards the recess and adapted to receive the implant (Fig 8c).

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Furthermore, Vogt discloses an ampule that includes: the indentation of the upper fixing portion (402) is trumpet like (Figs. 7a-7b) and the lower fixing portion is configured in the form of two support wings (Fig. 8c); the indentation is adapted to receive a fixing portion of the transfer part (Fig. 7e and 8c) and where lower fixing portion is adapted to receive an implant shoulder (Fig. 8c); and where the recess (61) is formed with rounded corners at its lower portion opposite to the indentation (Fig. 8c).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt et al. (US 2004/0096804) in view of Sutter et al. (US 5,078,605).

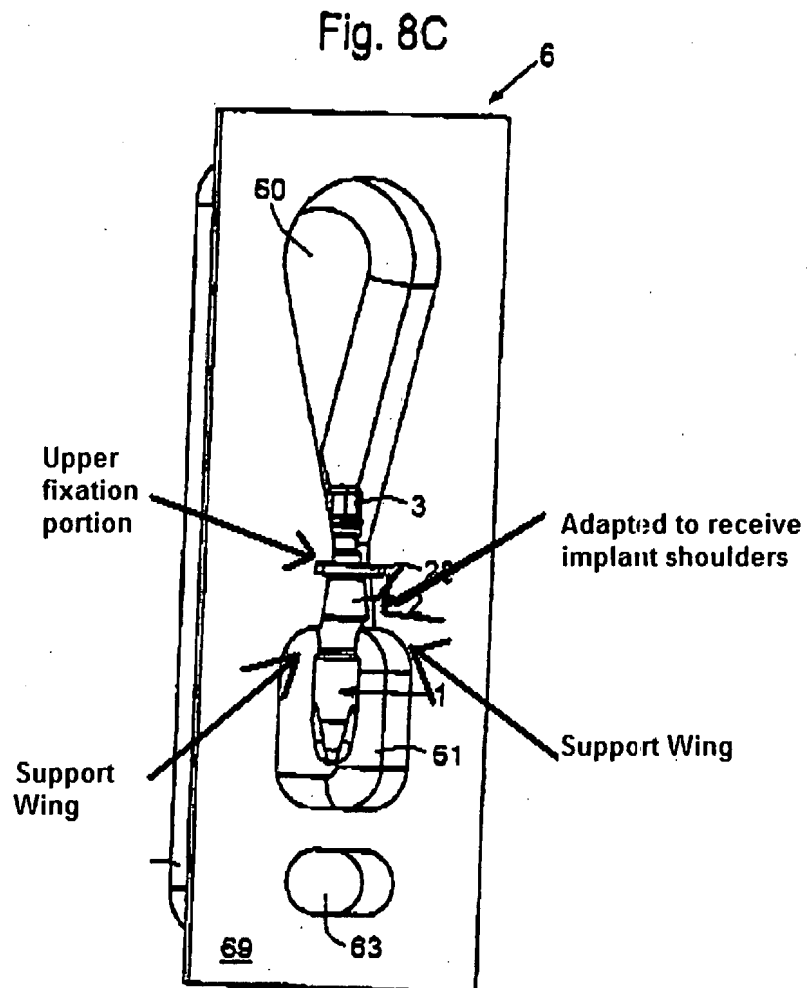
Vogt discloses the invention substantially as claimed except for a clamp ring being formed from polyether ether ketone (PEEK).

Sutter teaches a ring (31) that is inserted in a groove (25d) that is made of PEEK in order to provide a material non-toxic, biocompatible, and capable of being easily processed (Column 5, Lines 44-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vogt by forming a ring made of PEEK, as taught by Sutter, in order to provide a ring that is non-toxic and capable of easily being processed.

***Response to Arguments***

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed on 06/18/2007 have been fully considered but they are not persuasive. Applicant argues that Vogt does not provide an extension having a retaining ring with a radial groove used to directly engage with the dental implant. However, Vogt has the capability of being directly connected to an implant. Vogt discloses all the structural limitations as claimed and therefore has the capability of directly engaging with the dental implant. Furthermore, the applicant states that Vogt's ampule does not contain a lower fixation portion adapted to receive the implant. The Examiner disagrees. Vogt does disclose an ampule having an upper fixing portion radially extending indentation (62 in Figure 8a) and a lower fixing portion is configured in the form of two support wings that is capable of receiving an implant (as shown in Figures 8a-8c). The Examiner has reproduced Fig. 8c to more clearly show the lower fixation portion in the form of two support wings that is capable of receiving an implant.



### Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil K. Singh whose telephone number is (571) 272-3460. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sunil K Singh  
Examiner  
Art Unit 3732

SKS  
08/19/2007



CRIS RODRIGUEZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700



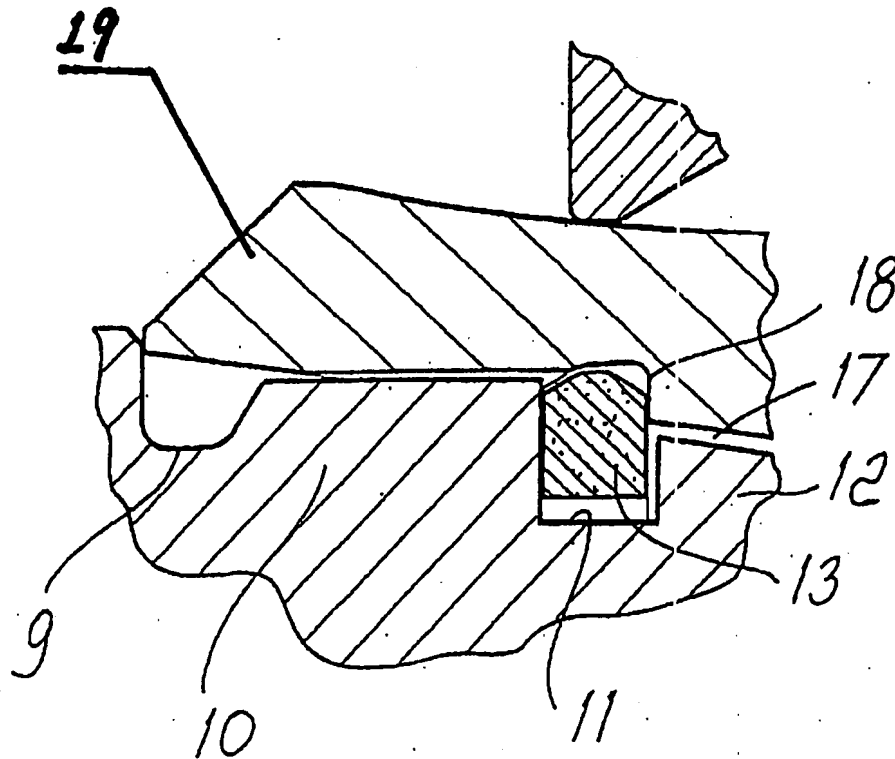
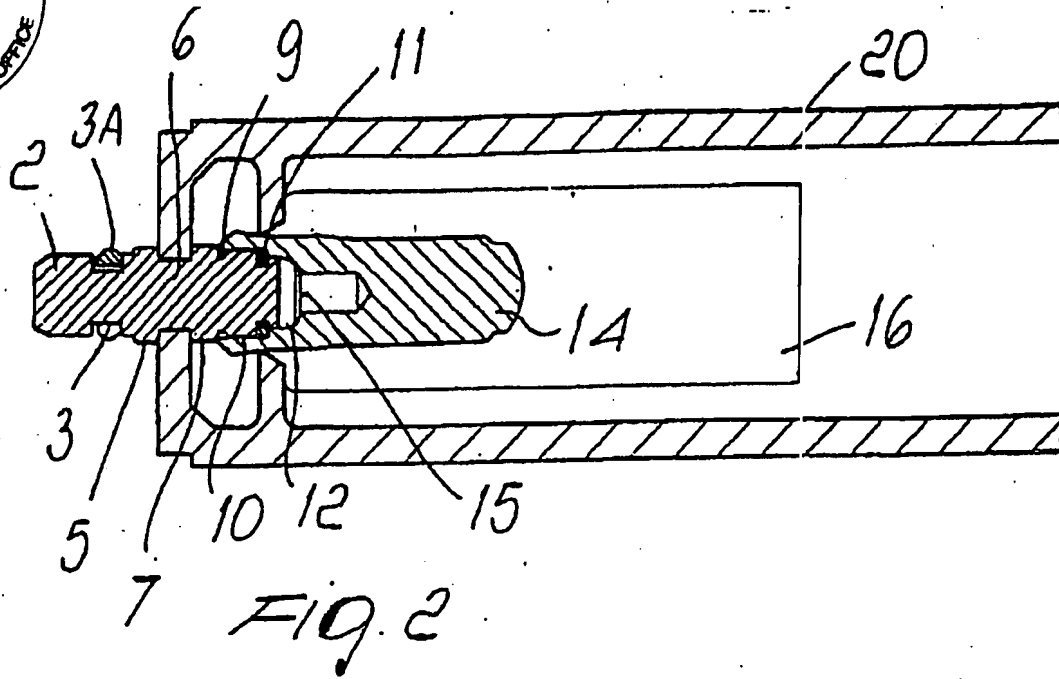
TRANSFER PART FOR AN IMPLANT

Marcello Memmolo, et al.

USSN: 10/575,988

19725

Replacement Sheet



Approved

SKS

8/19/2007